

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

IN RE:

**ROYCE OLIVER
BEVERLY OLIVER**

Debtor(s)

**CHAPTER 13
CASE NO. 13-42098**

ORDER CONDITIONALLY DENYING RELIEF FROM STAY

This matter was set for hearing on the motion of CitiFinancial, Inc. seeking relief from the automatic stay (Doc. No. 110) imposed by 11 U.S.C. § 362, as it relate(s) to the enforcement of the lien of CitiFinancial, Inc. and its assigns, against property of the Debtor(s) located at 1060 GARRETT ST RAINSVILLE, AL 35986.

Prior to the hearing this Court was informed the matter has been settled. Therefore upon agreement of the parties, it is hereby ORDERED, ADJUDGED and DECREED that the motion of CitiFinancial, Inc. is CONDITIONALLY DENIED, conditioned upon the following:

1. The Debtor(s) post-petition arrearage due CitiFinancial, Inc. is the aggregate amount of \$10,193.04 which represents the payments due for December 2013 – July 2014 at \$1,170.88 each, and which includes attorney fees of \$650.00 and court costs in the amount of \$176.00. The Debtor(s) shall file a Motion to Modify Plan for, and CitiFinancial, Inc. is hereby allowed to file a claim for, the said post-petition arrearage, fees and costs. Debtors shall retain the right to object to the proof of claim if they can produce evidence to contest the amount of arrearage owed.

2. The Debtor(s) shall resume his/her/their regular monthly payments due CitiFinancial, Inc. as said payments fall due each month, beginning with the August, 2014 and continuing each successive month thereafter until the Debtor(s) mortgage obligation with

CitiFinancial, Inc., or its assigns, has been satisfied.

3. In the event that any regular monthly mortgage payment is not received by CitiFinancial, Inc., or its assigns, by the date it falls due pursuant to the terms of the Debtor(s) loan agreement with CitiFinancial, Inc., beginning with the August 2014 payment, then CitiFinancial, Inc., or its assigns, shall give notice to the Debtor(s) and the Debtors(s) attorney of the default, and if the default is not cured within twenty (20) days of the date of said notice, then the automatic stay shall immediately lift without further Orders from the Court, allowing CitiFinancial, Inc., or its assigns, to proceed against or otherwise liquidate the property described hereinabove.

4. Once relief has been granted, CitiFinancial, Inc. will no longer file any additional Payment Change Notification or Post Petition Fee Notification in conjunction with the aforementioned loan in the case of the entry of the relief order in conjunction with the loan.

Dated: July 23, 2014

/s/ James J. Robinson
JAMES J. ROBINSON
U.S. Bankruptcy Judge

Consented to by:

Peter M Neil
Attorney for Debtor(s)

Linda Baker Gore
Chapter 13 Trustee

This Order was prepared by:
Michael Lindsey
Attorney for CitiFinancial, Inc.